

117TH CONGRESS  
1ST SESSION

# H. R. 4929

To amend title 49, United States Code, to allow airports to impose an access restriction for certain hours, to assess certain penalties against air carriers or aircraft operators, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2021

Ms. SPEIER (for herself, Mr. PANETTA, Ms. ESHOO, Mr. SHERMAN, Ms. NORTON, Mr. QUIGLEY, Mr. KHANNA, Ms. LEE of California, Mr. SMITH of Washington, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to allow airports to impose an access restriction for certain hours, to assess certain penalties against air carriers or aircraft operators, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Restore Everyone’s  
5       Sleep Tonight Act of 2021” or the “REST Act of 2021”.

1     **SEC. 2. AIRPORT ACCESS RESTRICTION.**

2         (a) IN GENERAL.—Notwithstanding any other provi-  
3         sion of law and except as provided in subsection (b), an  
4         airport may impose an access restriction between the  
5         hours of 10 p.m. and 7 a.m. for aircrafts.

6         (b) ACCOMMODATIONS FOR CERTAIN FLIGHTS.—

7             (1) TYPES OF FLIGHTS.—In imposing an access  
8         restriction under subsection (a), an airport shall per-  
9         mit, within the hours of such access restriction, the  
10        operation of military, law enforcement, and Coast  
11        Guard flights.

12             (2) EXCEPTIONAL CIRCUMSTANCES.—In impos-  
13        ing an access restriction under subsection (a), an  
14        airport may not prohibit access for—

15                 (A) a flight that is scheduled to arrive or  
16                depart during hours not covered by the access  
17                restriction imposed under subsection (a) and  
18                which arrives or departs during such access re-  
19                striction due solely to weather or the safe oper-  
20                ation of the aircraft, including compliance with  
21                any safety-related requirements;

22                 (B) emergency flights;

23                 (C) flights to evacuate natural disasters;

24                and

25                 (D) flights for the purpose of the preserva-  
26                tion of life, health, or safety.

1                   (c) PENALTIES.—

2                   (1) IN GENERAL.—An airport may impose a  
3                   noise deterrence penalty on an air carrier or aircraft  
4                   operator for a violation of the access restriction im-  
5                   posed under subsection (a).

6                   (2) AMOUNT OF PENALTY.—An airport apply-  
7                   ing penalties under this subsection shall set a base  
8                   level for a noise deterrence penalty under paragraph  
9                   (1) at an amount sufficient to deter future violations  
10                  of the access restriction imposed under subsection  
11                  (a).

12                  (3) INCREASE IN PENALTY.—The airport apply-  
13                  ing penalties under this subsection may increase a  
14                  penalty for a violation of the access restriction im-  
15                  posed under subsection (a) above the base amount  
16                  set under paragraph (2) if an aircraft takeoff or  
17                  landing resulted in noise to residents of any unit of  
18                  local government exceeding 80 dBA, as evidenced by  
19                  a noise monitoring device recognized as authoritative  
20                  by the airport.

21                  (4) CONSIDERATIONS FOR A PENALTY IN-  
22                  CREASE.—In determining whether to increase the  
23                  penalty above the base amount set under paragraph  
24                  (2), an airport may consider the following:

(A) The certified noise level and engine model of the aircraft.

(B) The time of violation.

(C) Repeat violations by the air carrier or aircraft operator.

(D) Any other criteria that the airport determines reflects the noise impacts to residents of the unit of local government impacted by the violation of subsection (a).

(5) USE OF PENALTY.—

(A) IN GENERAL.—Except as provided in subparagraph (C), penalties collected for a violation of the access restriction imposed under subsection (a) shall be remitted to the unit of local government that experienced the impact of the noise deterrence violation.

(B) MULTIPLE UNITS OF LOCAL GOVERNMENT.—If multiple units of local government are impacted by a violation of the access restriction imposed under subsection (a), an airport shall remit the penalty to the jurisdictions impacted in equal parts.

(C) ADMINISTRATIVE COSTS.—An airport may deduct reasonable costs of administering a noise deterrence penalty from a penalty col-

1           lected under this paragraph before remitting  
2           the penalty under subparagraphs (A) and (B).

3       (d) LIMITATION.—With respect to any action taken  
4   in carrying out this section, the airport is not required  
5   to seek the approval or comment of the Federal Aviation  
6   Administration or the Secretary of Transportation, any air  
7   carrier or aircraft operator or any other entity.

8       (e) DEFINITION OF WEATHER.—In this section, the  
9   term “weather” is defined as the state of the atmosphere  
10   at a location or along a route over the short-term.

11     (f) DEFINITION OF ACCESS RESTRICTION.—For pur-  
12   poses of this Act, an access restriction is a prohibition on  
13   the landing or takeoff of aircraft.

